

ENTERED

October 09, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JANE DOE,

Plaintiff,

VS.

HUMBLE INDEPENDENT SCHOOL
DISTRICT,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:18-CV-79

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court in the above referenced proceeding is Defendant's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) (Doc. 14) and Judge Stacy's Memorandum and Recommendation that the Court grant the Defendant's Motion to Dismiss (Doc. 19). Plaintiff has not filed objections to the Memorandum and Recommendation and the time within which to object has passed.

The Court agrees with the Magistrate Judge's conclusion that Plaintiff has not exhausted the administrative remedies required for her Child Find violation claim and her Section 504 Rehabilitation Act claim, and has not stated a plausible Child Find violation claim, Section 504 Rehabilitation Act claim, or § 1983 claim. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. 19) is **ADOPTED**. Defendant Humble Independent School Districts Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) (Doc. 14) is **GRANTED**.

Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of final judgment.

SIGNED at Houston, Texas, this 5th day of October, 2018.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE